

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION**

SAMUEL HOUSTON)	
Plaintiff)	
)	
v.)	CASE NUMBER 1:06-cv-243-MEF
)	
ARMY FLEET SERVICES, L.L.C.,)	(JURY DEMAND)
Defendant)	

**MOTION TO EXTEND TIME FOR SUMMARY JUDGMENT RESPONSE
IN ACCORDANCE WITH F.R.C.P. 56(F) AND MOTION TO EXTEND TIME
FOR CLOSURE OF DISCOVERY**

COMES NOW the Plaintiff, by and through his attorney, and submits his Motion to Extend Time For Summary Judgment In Accordance With F.R.C.P. 56(f), by attachment of counsel's affidavit, along with his Motion to Extend the Time for Closure of Discovery; and, states as follows:

1. On April 12, 2007, this Court granted, in part, the plaintiff's Motion to Extend Time to submit his response to the defendants' Motion For Summary Judgment by setting the responsive deadline as May 1, 2007.

2. Plaintiff incorporates the recitation of his efforts to obtain essential discovery in this matter, and the good faith efforts of his counsel to cooperate with defendant in obtaining discovery, as set forth in his April 9, 2007, Motion referenced above. Subsequently, the defendant has partially supplemented its responses but has refused to provide to some materials that it promised to produce, and maintains unwarranted and unsubstantiated objections to the production of other clearly relevant information.

3. The plaintiff requests an extension of time within which to submit his

response pursuant to F.R.C.P. 56(f), and as cause shows that he has made diligent efforts to obtain essential discovery in this matter as demonstrated in the plaintiff's Motion to Compel, with exhibits, filed with the Court on April 23, 2007. Though Plaintiff has diligently conducted discovery, he believes the documents and/or information set forth in his Motion to Compel are essential to fully and fairly respond to the Motion For Summary Judgment. The Court's Magistrate has ordered the defendant to show cause why the Motion to Compel should not be granted by April 26, 2007.

4. Plaintiff anticipates that this discovery involving potential comparators and defendant's practices and procedures will create additional genuine issues of material fact on the defendant's allegations made in defense of its discriminatory termination of his employment.

4. Plaintiff has made good faith efforts as set forth in his Motion to Compel to obtain this discovery, but has been unable to obtain the contemplated discovery without the assistance of the Court. The plaintiff has also been prejudiced by his good faith efforts to accommodate the defendant's requests for extra time to compile its responses in that he can not conduct any necessary follow-up discovery within the time set for the close of discovery in the Court's Rule 16 Scheduling Order.

5. Plaintiff has demonstrated good cause for an extension of the deadline under F.R.C.P. 56(f), and neither party will be prejudiced by the grant of this extension. .

6. These motions are not interposed for purposes of delay, but are made in good faith.

WHEREFORE, Plaintiff respectfully prays that this Honorable Court enter an order:

- A. Extending the deadline for submission of his response to summary judgment in this case from December 20, 2006, to 21 days after provision of the outstanding discovery from the defendant.
- B. Extending the deadline for the completion of discovery in this matter from June 1, 2007 to 45 days after the provision of the outstanding discovery from the defendant.

Respectfully submitted this 24th day of April 2007.

/S/ JIMMY JACOBS

JIMMY JACOBS (JAC051)
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CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing with the Clerk of the Court using CM/ECF system and service will be perfected upon counsel of record following this the 24th day of April, 2007.

/s/JIMMY JACOBS

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